APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/411,524	10/04/1999	GLEN A. BOUCHER	E-908	8434

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EXAMINER
FADOK, MARK A

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	09/411,524	BOUCHER ET AL.
	Examiner	**Art Unit**
	Mark A Fadok	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☐ Claim(s) _____ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-26* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Response to Amendment

Applicant's request for reconsideration of the finality of the rejection of the last

Office action is persuasive and, therefore, the finality of that action is withdrawn.

As discussed in telecon dated 10/22/2002, the applicant argued that new references

were added, and therefore the applicant did not have the opportunity to respond to

these new grounds of rejection. The Examiner notes that the finality of the rejection sent

in Office action dated 8/21/2002 is withdrawn. Additionally, the arguments presented in

the amendment received 8/2/02 are considered to be moot based on the new grounds

of rejection provided below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Karpinski, and further in view of WebMethods (a collection of related articles from

PTO-892 listed as 1V, 2W, 3X, 4U, 5V, 6W, 7X, and 8U).

In regards to claim 1, Karpinski discloses means for generating a tracking number associated with a package to be sent from the user to the recipient by a selected carrier. Karpinski teaches a web based package-tracking system that offers a means for managing tracking systems of multiple overnight mailing couriers simultaneously, allowing a user to generate a tracking request for a package using sophisticated agents and server technology that allows an air bill to be entered once and have the system return the information when found. Karpinski also teaches the application of an E-mail/paper-message service that will be managed over the Internet and an agent application that sends out requests in the form of scripts to the various carrier sites along with an HTML string that the system parses into records that get placed in a database and then can be accessed locally by the application (See entire article), but does not specifically mention some of the specific features claimed in the instant application such as means for generating a tracking number associated with a package to be sent from the user to the recipient by a selected carrier. Webmethods teaches a technology that enables, among other things, tracking of packages from different carriers (see all articles and Karpinski, para. 12). It would be obvious to one of ordinary skill in the art to include in Karpinski the web automation technology that integrates package tracking (see all articles including the bottom of WebMethods3X, page 10 and WebMethods3x page 11, Ex. 1 and shipping and delivery services), because Karpinski specifically states that the technology from WebMethods "...sits at the center of the solution" (Karpinski, para 22) and also enables tracking of packages from different carriers (Karpinski para. 12). Therefore, since the technology already

exists and is used to some extent in Karpinski, using the software developed by

WebMethods would save many hours of programming by the user.

Moreover, Karpinski teaches means for generating a tracking request containing

the tracking number associated with the package, as well as information of the

particular carrier which is to deliver the package to the recipients (WebMethods website

articles, page 11, Ex. 1, FedEx airbill); queues for storing the tracking requests

(WebMethods website articles, page 27 last paragraph); a tracking coordinator for

receipt of said tracking request and for generating tracking objects and sending said

tracking objects to the tracking website of the selected carrier (WebMethods website

articles, page 13, entire Object Model section); means for receiving results from the

tracking website of the selected carrier (WebMethods website articles, page 30, see

section on Building distributed object applications with the toolkit); and means for

updating the shipping server data storage with the results from the carrier website

(WebMethods website articles, page 30, last paragraph).

In regards to claim 2, Karpinski teaches a tracking result queue for receiving the

results from all of the carrier websites and for outputting these results for delivery to the

shipping system server data storage device (see response to claim 1).

In regards to claim 3, Karpinski teaches wherein the shipping system server has

an instant tracking component for allowing a user to generate a tracking request for a

package, wherein the tracking coordinator has means for generating a tracking object

for the user tracking request that is prioritized with respect to other tracking objects

generated for the same carrier as that associated with the user's package (see

response to claim 1).

In regards to claim 4, Karpinski teaches wherein the tracking coordinator limits

the generation of tracking objects for a particular carrier so as to be generated no more

frequently than a predetermined number of tracking objects per predetermined time

interval (WebMethods website articles, page 29, Using the toolkit to process Web-based

data).

In regards to claim 5, Karpinski teaches wherein the tracking coordinator limits

the generation of tracking objects so that the total number of tracking objects generated

for a particular carrier over a predetermined time interval does not exceed a

predetermined number, regarding the pacing of the generation of said tracking objects

WebMethods website articles (see response to claim 4, variables that can be used for

programmatic access).

In regards to claim 6, Karpinski teaches wherein the tracking coordinator has

means for generating tracking objects to a carrier tracking website using multiple

Internet Protocol addresses (WebMethods website articles, page 29, Using the toolkit to

process Web-based data).

In regards to claim 7, Karpinski teaches wherein the shipping system server

includes a scheduler for automatically retrieving information required to generate a

tracking request from the data storage device, wherein the scheduler times said

retrieval of information to occur at a predetermined time (WebMethods website articles, page 5, both on demand and scheduled extraction of targeted websites.).

In regards to claim 8, Karpinski teaches wherein the shipping system server has an instant tracking component for allowing a user to generate a tracking request for a package, wherein the tracking coordinator has means for generating a tracking object for the user tracking request that is prioritized with respect to other tracking objects generated for the same carrier as that associated with the user's package (WebMethods website articles, page 12, Elements of WIDL).

In regards to claim 9, Karpinski teaches wherein the tracking coordinator limits the generation of tracking objects for a particular carrier so as to be generated no more frequently than a predetermined number per predetermined time interval (see response to claim 8 and 5).

In regards to claim 10, Karpinski teaches wherein the tracking coordinator limits the generation of tracking objects so that the total number generated for a particular carrier over a predetermined time interval does not exceed a predetermined number, regarding the pacing of the generation of said tracking components (see response to claim 9).

In regards to claim 11, Karpinski teaches wherein the tracking coordinator has means for generating tracking objects to a carrier tracking website using multiple Internet Protocol addresses (see response to claim 9 and WebMethods website articles, page 11, example 1).

In regards to claim 12, Karpinski teaches wherein the shipping system server includes a scheduler for automatically retrieving information required to generate a tracking request from the data storage device, wherein the scheduler times said retrieval of information to occur at a predetermined time (WebMethods website articles, page 5, Web automation: A simple introduction and claim 9).

In regards to claim 13, Karpinski teaches an E-mail services component for generating an E-mail message to a party specified by the user when the tracking information indicates that the package has been delivered to the recipient (para. 7).

In regards to claim 14, Karpinski teaches further comprising an E-mail services component for generating an E-mail message to a party specified by the user when the tracking information indicates that the package has been delivered to the recipient (WebMethods website articles, page 27, last paragraph).

In regards to claim 15-26, Karpinski teaches all the elements of the tracking method for the system in claims 1-14 (see response to claims 1-14).

Response to Arguments

Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection provided above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(703) 605-4252**. The examiner can normally be reached Monday thru Friday 8:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist **whose telephone number is** (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

(703)305-7687   [Official communications; including

After Final communications labeled

"Box AF"]

(703) 746-7206 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

Mark Fadok

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